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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/661,479 | NAVARRO, RAMON M. | |
| | Examiner | Art Unit | |
| | Frederick C. Nicolas | 3754 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 8/9/2006.
2. ☒ The allowed claim(s) is/are 1,5-12 and 14-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Allowable Subject Matter

1. Claims 1,5-12,14-21 are allowed.
2. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a sanitary fill valve assembly in combination with the other claimed limitations of claim 1:

"said piston cylinder having a main piston body and a piston head disposed at a distal end thereof for dispensing the viscous flowable product from said chamber; a product flow regulator having a regulator body extending for longitudinal movement substantially perpendicular relative to said product dispenser, said inlet passage and said outlet passage and across the entire flow area at said inlet passage, said regulator body adjustably regulating the rate of flow of the viscous flowable material into said chamber and having a substantially tapered tip portion that combines with a corner sidewall portion of said inlet passage to create a flow passage through which the viscous flowable material flows into said annular chamber, wherein said housing has an annular surface with a tapered wall adjacent said outlet passage which forms a seat for said main piston body".

The prior art fails to disclose or render obvious a sanitary fill valve in combination with the other claimed limitations of claim 14:

"a product flow regulator having a regulator body disposed intermediate of said inlet passage and said chamber and extending for longitudinal movement substantially perpendicular relative to said product dispenser, said inlet passage, said outlet passage and across the entire mouth of said inlet passage, wherein a distal end portion of said

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regulator body combines with said inlet passage to form a flow channel at the mouth of said inlet passage through which the viscous flowable material flows into said annular chamber, the width of said flow channel being automatically adjustable to regulate the flow rate of the viscous flowable material before entry into the annular chamber”.

The prior art fails to disclose or render obvious a sanitary fill valve in combination with the other claimed limitations of claim 15:

“a product flow regulator in communication with said inlet passage and said chamber for adjustably regulating the rate of flow of the viscous flowable material into said chamber by reducing and/or increasing a flow area into said chamber, wherein said product flow regulator is positioned in said valve housing such that it reciprocates in directions substantially perpendicular to said product dispenser, said inlet passage and said outlet passage and across the entire flow area at said inlet passage”.

The prior art fails to disclose or render obvious a process for hygienically filling a container with a viscous flowable material in combination with the other claimed limitations of claim 20:

“the steps of: providing a flow regulator between said chamber and said inlet and substantially perpendicular in relation to said inlet and said outlet and across the entire flow area at said inlet, then; adjustably regulating the flow rate of the viscous flowable material at said inlet using said flow regulator based upon the physical properties of the viscous flowable material”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

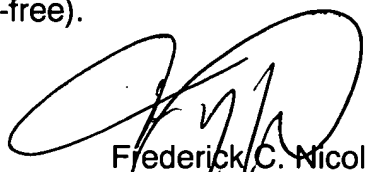
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
August 17, 2006

 8/17/06
Frederick C. Nicolas
Primary Examiner
Art Unit 3754